

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ROBERT A. STANARD,

Petitioner,

v.

DEWAYNE HENDRIX, Warden, Federal  
Corrections Institution at Sheridan,

Respondent.

Case No. C21-959RSM

ORDER STAYING CASE

This matter comes before the Court on Robert A. Stanard's §2255 petition, Dkt. #1. Mr. Stanard challenges his convictions in *United States v. Robert Stanard*, Case No. CR16-320RSM, on the ground that his original Washington State felony, which he argues was a predicate for the convictions, has been vacated.

The Government offers substantive arguments in opposition to granting the requested relief, but also states in its Response:

On July 2021, after filing his motion under 28 U.S.C. § 2255, Stanard filed a petition in the Supreme Court for a writ of *certiorari*. Although Stanard certainly is entitled to seek such review, Stanard is not entitled to challenge his conviction in both the Supreme Court and this Court at the same time. As the Ninth Circuit has held, "[a] district court should not entertain a habeas corpus petition while there is an appeal pending in [the Ninth

1 Circuit] or in the Supreme Court.” *Feldman v. Henman*, 815 F.2d  
2 1318, 1320 (9th Cir. 1987).

3 Dkt. #6 at 6.

4 Mr. Stanard has filed a Reply brief in support of his petition but does not address the  
5 issue of the requested stay. *See* Dkt. #9.

6 The Court agrees with the Government’s analysis and will stay this case pending  
7 resolution of Mr. Stanard’s pending petition for a writ of *certiorari*.

8 Having reviewed the relevant briefing and the remainder of the record, the Court hereby  
9 finds and ORDERS that all proceedings in this case are STAYED. The Court directs the parties  
10 to notify the Court as soon as the U.S. Supreme Court has resolved Mr. Stanard’s case so that  
11 the Court can rule on this petition. The Court will advise the parties if additional briefing is  
12 necessary.  
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16 DATED this 4<sup>th</sup> day of October, 2021.  
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20 RICARDO S. MARTINEZ  
21 CHIEF UNITED STATES DISTRICT JUDGE  
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